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REVIEW CONFERENCE ON THE UNITED NATIONS CONVENTION
ON A CODE OF CONDUCT FOR LINER CONFERENCES
Resumed session
Geneva, 21 May 1991
Agenda item 3

RULES OF PROCEDURE */

*/ Adopted by the Review Conference at its 9th plenary meeting on 23 May 1991.

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Rule 29

Basic documents

The basic documents for consideration by the Conference shall be:

- The Final Act (including the Convention and resolutions) of the United Nations Conference of Plenipotentiaries on a Code of Conduct for Liner Conferences (TD/CODE/13/Add.1, TD/CODE/13/Add.1/Corr.1 and TD/CODE/13/Add.1/Corr.2);

- The report of the UNCTAD secretariat entitled "Views of Governments on the Review Conference" setting out the views expressed by Governments in accordance with the provisions of Article 52, paragraph 2 of the Convention (TD/CODE.2/3);

- The report of the UNCTAD secretariat entitled "Issues for the Review Conference" (TD/CODE.2/4).

Rule 30

Proposals and amendments

Proposals and amendments to the Convention on a Code of Conduct for Liner Conferences shall normally be submitted in writing to the Secretary of the Conference, who shall circulate copies thereof to all delegations in the languages of the Conference. Unless the Conference decides otherwise, substantive proposals shall not be discussed or put to the vote until the day after copies thereof have been circulated to the delegations of all States participating in the Conference.

Rule 31

Withdrawal of proposals and motions

A proposal or a motion may be withdrawn by its sponsor at any time before voting on it has commenced, provided that it has not been amended by decision of the Conference. A proposal or a motion thus withdrawn may be reintroduced by any representative with its original priority, provided he does so promptly and it has not been substantially changed.

Rule 32

Decisions on competence

Any motion calling for a decision on the competence of the Conference to discuss any matter or to adopt a proposal submitted to it shall be decided before the matter is discussed further or a decision is taken on the proposal in question.

Rule 33

Consideration of programme budget implications

Before the Conference takes a decision or makes a recommendation the implementation of which might have programme budget implications for the United Nations, it shall receive and consider a report from the secretariat on such implications.

Rule 34

Reconsideration of proposals

1. When a proposal or amendment covered by paragraph 1 of rule 37 has been adopted or rejected, it may not be reconsidered unless the Conference by a four-fifths majority of the representatives of Contracting Parties present and voting so decides. When a proposal on all other matters of substance is not covered by paragraph 1 of rule 37, it may not be reconsidered unless the Conference by a two-thirds majority of representatives present and voting so decides, provided this majority includes four fifths of Contracting Parties present and voting. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing reconsideration, after which the motion shall be immediately put to the vote.

2. The Conference may decide to limit this rule to the reconsideration of proposals at the same session.

VII. DECISION-MAKING

Rule 35

Consensus

1. The Conference shall make every effort to ensure that its decisions are taken by consensus or general agreement or otherwise without a vote.

2. Subject to paragraph 1 above, proposals on amendments shall be voted on if not less than one third of the Contracting Parties present so request.

3. All other proposals shall be voted on if not less than one third of the participants present so request.

Rule 36

Voting Rights

Subject to rule 37 each State participating in the Conference shall have one vote.

Rule 37

Majority required

1. Decisions of the Review Conference on amendments shall be taken by a four-fifths majority of the Contracting Parties present and voting.

2. Decisions of the Conference on all other matters of substance not covered by paragraph 1 shall be taken by a two-thirds majority of representatives present and voting, provided that this majority includes four fifths of Contracting Parties present and voting.

3. Unless the Conference decides otherwise and except as otherwise provided in these rules decisions on all matters of procedure shall be taken by a simple majority of the representatives present and voting.

4. If the question arises whether a matter is one of procedure or of substance, this shall be decided by the Conference by a majority of the representatives present and voting.

5. If a vote is equally divided on a decision requiring a simple majority, the proposal or motion shall be regarded as rejected.

6. For the purpose of these rules, the phrase "representatives present and voting" means representatives casting an affirmative or negative vote. Representatives who abstain from voting shall be regarded as not voting.

Rule 38

Method of voting

1. Except as provided in rule 45, the Conference shall normally vote by show of hands, but any representative may request a roll-call, which shall then be taken in the English or French alphabetical order of the names of the States participating in the Conference, beginning with the delegation whose name is drawn by lot by the President. The name of each such State shall be called in all roll-calls, and its representative shall reply "yes", "no" or "abstention".

2. The vote of each State participating in a roll-call shall be inserted in any record of or report on the meeting.

Rule 39

Explanation of vote or position

1. Representatives may make brief statements consisting solely of explanations of vote, before the voting has commenced or after the voting has been completed. The President may limit the time to be allowed for such explanations. The representatives of a State sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

2. When the same matter is considered successively in several organs of the Conference, the representatives of a State should, as far as possible, explain the votes of their delegation only in one such organ, unless those votes differ.

3. Similarly, explanatory statements of position may be made in connection with a decision taken without a vote.

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2. Revised proposals shall be voted on in the order in which the original proposals were submitted, unless the revision substantially departs from the original proposal. In that case, the original proposal shall be considered as withdrawn and the revised proposal shall be treated as a new proposal.

3. A motion requiring that no decision be taken on a proposal shall have priority over that proposal.

Rule 45

Elections

1. All elections shall be held by secret ballot unless, in the absence of any objection, the Conference decides to proceed without taking a ballot on an agreed candidate or slate of candidates.

2. When candidates are to be nominated, each nomination shall be made by only one representative, after which the Conference shall immediately proceed to the election.

Rule 46

Balloting

1. When one or more elective places are to be filled at one time under the same conditions, each delegation entitled to vote may cast a vote for as many candidates as there are places to be filled, and those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes shall be elected.

2. If the number of candidates so elected is less than the number of places to be filled, additional ballots shall be held to fill the remaining places. From such ballots the candidates obtaining the least number of votes in the previous ballot may be eliminated on the proposal of the President.

VIII. SUBSIDIARY ORGANS

Rule 47

Main Committees

The Conference shall establish two Main Committees (First and Second Committee) on which each State participating in the Conference may be represented.

Rule 48

Legal Drafting Committee

1. The Conference may establish a Legal Drafting Committee which, unless the Conference decides otherwise, shall consist of a Chairman, elected by the Conference pursuant to subparagraph (a) of rule 6, and of 13 other members, selected so that each language in which any instrument to be adopted by the Conference is to be authentic will be adequately represented, and with due regard to equitable geographical distribution. The Rapporteur shall be an ex-officio member of the Committee, without the right to vote.

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Rule 40

Conduct during voting

After the President has announced the commencement of a vote, the voting shall not be interrupted until the result has been announced, except on a point of order in connection with the process of voting.

Rule 41

Division of proposals

A representative may move that parts of a proposal be voted on separately. If a representative objects, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the division. If the motion is carried, those parts of the proposal that are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Rule 42

Amendments to proposals

A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal. Unless specified otherwise, the word "proposal" in these rules shall be considered as including amendments.

Rule 43

Order of voting on amendments to proposals

1. When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

2. When the Conference decides, in accordance with rule 41, to consider an extensive text in convenient portions (such as paragraphs or articles), each of these shall be treated as a separate proposal for the purpose of paragraph 1.

Rule 44

Order of voting on proposals

1. If two or more proposals, other than amendments to proposals, relate to the same question, they shall, unless the Conference decides otherwise, be voted on in the order in which they were submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.